TITHES, IRELAND.

RETURNS to ORDERS of the Honourable The House of Commons, dated 21 April and 1 December 1837;—*for*,

A RETURN of the Total Number of PERSONS who have been committed to PRISON since 1st January 1831, in consequence of any Proceedings connected with the Recovery of Tithe; of the Total Number of Writs or other Processes which have issued out of the Superior Courts of Law in *Ireland*, since 1st January 1831, &c., in Proceedings for the Recovery of Tithe, classifying under distinct heads the stages at which such Proceedings have arrived, and their final results; and of the Total Number of Decrees which have been obtained in the Assistant Barristers' Courts in each County in *Ireland*, since 1st January 1831, in Proceedings for the Recovery of Tithes, including all Committals and Decrees which have taken place up to 1st November 1837.

SUMMARY of the Number of PERSONS committed to PRISON in *Ireland*, from the 1st January 1831 to the 1st November 1837, in consequence of any Proceedings connected with the Recovery of Tithe; and also of the Number of Decrees obtained in the Assistant Barristers' Courts in each County in *Ireland*, during the same period, in Proceedings for the Recovery of Tithes.

COUNTIES, &c.	NUMBER COMMITMENTS TO PRISON.								NUMBER DECREES OBTAINED.							
	1831.	1832.	1833.	1834.	1835.	1836.	1837.	Total.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	Total.
Antrim	nil	nil	nil	nil	nil	nil	nil	nil	- -	- -	- -	- -	- -	- -	- -	652
Armagh	nil	nil	nil	nil	nil	1	3	4	- -	- -	- -	- -	- -	- -	- -	1,146
Carlow	nil	1	nil	nil	nil	22	1	24	nil	nil	nil	28	nil	nil	5	33
Cavan	nil	nil	4	3	nil	nil	6	13	138	123	65	49	115	226	163	873
Clare	nil	nil	nil	nil	nil	11	9	20	- -	- -	- -	- -	- -	- -	- -	1,196
Cork	no record.	no record.	no record.	no record.	no record	no record.	9	9	no record.	no record.	no record.	no record.	no record.	no record.	no record.	no record.
Cork City	nil	nil	nil	nil	nil	nil	7	7	—							
Donegal	- -	- -	- -	- -	- -	- -	- -	13	91	287	125	108	6	29	205	851
Down	- -	- -	- -	- -	- -	- -	- -	10	no record.	no record.	no record.	no record.	no record.	no record.	26	26
Dublin	nil	nil	1	nil	nil	1	nil	2	13	592	71	nil	nil	nil	nil	676
Dublin City	nil	nil	nil	nil	nil	26	26	52	—							
Drogheda Town	nil	nil	nil	nil	nil	2	1	3	—							
Fermanagh	nil	1	7	nil	nil	1	3	12	- -	- -	- -	- -	- -	- -	- -	907
Galway	nil	nil	nil	7	nil	nil	nil	7	172	116	17	9	102	58	736	1,210
Galway Town	nil	nil	nil	nil	nil	1	1	2	—							
Kerry	- -	- -	- -	- -	- -	- -	- -	72	- -	- -	- -	- -	- -	- -	- -	1,546
Kildare	nil	nil	62	nil	nil	6	3	71	- -	- -	- -	- -	- -	- -	- -	140
Kilkenny	nil	46	70	1	1	nil	nil	118	80	nil	7	25	2	nil	nil	114
Kilkenny City	nil	4	7	3	nil	2	nil	16	—							
King's	nil	nil	1	nil	nil	nil	nil	1	- -	- -	- -	- -	- -	- -	- -	252
Leitrim	nil	nil	nil	nil	2	5	6	13	- -	- -	- -	- -	- -	- -	- -	901
Limerick	nil	3	4	7	nil	17	4	35	no record.	no record.	no record.	no record.	no record.	no record.	141	141
Limerick City	nil	nil	nil	nil	1	10	6	17	—							
Londonderry	nil	nil	nil	nil	4	9	5	18	74	112	65	79	89	54	42	515
Longford	nil	1	3	nil	8	23	1	36	- -	- -	- -	- -	- -	- -	- -	46
Louth	- -	- -	- -	- -	- -	- -	- -	31	- -	- -	- -	- -	- -	- -	- -	920
Mayo	nil	nil	nil	nil	1	9	22	32	281	347	214	32	15	49	57	9[illegible]5
Meath	- -	- -	- -	- -	- -	- -	- -	22	30	31	5	10	12	47	34	169
Monaghan	- -	- -	- -	- -	- -	- -	- -	32	- -	- -	- -	- -	- -	- -	- -	351
Queen's	7	7	4	nil	nil	5	3	26	- -	- -	- -	- -	- -	- -	- -	11,165
Roscommon	nil	nil	nil	nil	nil	nil	10	10	90	55	192	12	33	183	554	1,119
Sligo	nil	nil	5	6	nil	nil	nil	11	72	116	107	10	158	86	256	880
Tipperary	nil	nil	48	nil	1	1	1	51	nil	nil	2,208	nil	nil	nil	nil	2,208
Tyrone	5	1	2	2	4	2	4	20	no record.	no record.	no record.	no record.	no record.	no record.	no record.	no record.
Waterford	nil	nil	nil	nil	nil	nil	2	2	707	42	1,403	nil	nil	6	27	1,585
Waterford City	nil	nil	1	nil	nil	2	nil	3	—							
Westmeath	nil	1	1	nil	3	2	4	11	no record.	no record.	no record.	no record.	no record.	nil	nil	nil.
Wexford	2	nil	7	1	1	1	5	17	- -	- -	- -	- -	- -	- -	- -	3,478
Wicklow	nil	nil	nil	nil	nil	1	4	5	- -	- -	- -	- -	- -	- -	- -	488
TOTAL	14	65	227	30	26	160	146	848	1,148	1,821	4,479	436	527	738	2,246	34,587

Note.—In the Counties in which the Total Number is alone stated, the relative proportions in each year are not furnished in the original Returns of the respective Officers.

Irish Office, London, March 1838.

G. Trundle.

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(A.)

RETURNS of the Total Number of WRITS or other PROCESSES which have issued out of the Superior Courts of Law in *Ireland*, since 1 January 1831, in Proceedings for the Recovery of Tithes.

1.—Court of Chancery.
2.—Court of King's Bench.
3.—Court of Common Pleas.
4.—Court of Exchequer.

1.—COURT OF CHANCERY.

Secretary's Office, Court of Chancery,
5 June 1837.

Sir,

IN reply to your letter, dated the 2d inst., calling for the returns to be forwarded forthwith, pursuant to the Order of the House of Commons, dated 21st April 1837, relative to proceedings for the recovery of tithes, I have the honour to inform you, that, on receipt of that order, a letter was addressed from this office to the registrars and to the clerk of writs and appearances in the Court of Chancery, and I herewith transmit the answer given by Mr. Dawson, the clerk of writs, &c. No answer has been as yet received from the registrars of the court.

I have, &c.
Richard B. M'Causland,
Sec. to the Lord Chancellor.

Thomas Drummond, Esq.
&c. &c. &c.

Sir, 8 May 1837.

HAVING read over the order of the 21st of last month, forwarded to me from the Secretary's-office through you, directing a return of the total number of writs or other process which have issued out of the superior courts of law in Ireland, since 1st January 1831, in proceedings for the recovery of tithes, classifying under distinct heads the stages at which such proceedings have arrived, and their final result, I beg to say it is totally impossible for me to comply with any part of the order, inasmuch as I never ascertain the nature of the pleadings or complaint upon which the writ of subpœna going from my office issues; nor does the writ state for what purpose it issues, but merely calls upon the defendant to appear thereto and answer a bill filed against him, and which bill is not filed with me, but in the Rolls-office; nor do I know, nor have I any means of ascertaining the stages or result of the proceedings in any cause.

I am, &c.
Yelverton Dawson,
Clerk of Appearances and Suits, Chancery Office.

R. B. M'Causland, Esq.

Sir, Rolls Office, 1 May 1837.

I HAD the honour of receiving your letter of the 29th ult., enclosing the copy of an order made by the House of Commons on the 21st ult., requiring "A Return of the total number of Writs or other Processes which have issued out of the superior Courts of Law in Ireland, since 1st January 1831, in proceedings for the Recovery of Tithes, classifying under distinct heads the stages at which such proceedings have arrived, and their final result," and I beg leave to state that no such writs or process are lodged in this office, and I am therefore unable to make the return required.

I have, &c.
Robert Wogan,
Deputy Keeper of the Rolls.

Thomas Drummond, Esq.
&c. &c. &c.

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2.—COURT OF KING'S BENCH.

YEARS.	Declarations filed and not proceeded on farther.	Proceeded to Trial, but not farther.	Proceeded to Judgment.	Proceeded to Execution.
1831 - - - -	1	–	–	–
1832 - - - -	3	–	1	–
1833 - - - -	10	–	8	2
1834 - - - -	21	–	10	6
1835 - - - -	1	–	5	2
1836 - - - -	17	1	10	6
1837 - - - -	3	–	2	3
TOTAL - - -	56	1	36	19

It is necessary to observe that this return may not set out all the processes which have issued out of the Court of King's Bench for the recovery of tithes, since the 1st of January 1831, inasmuch as the capias which issues for the purpose of commencing a suit does not express the cause of action. It frequently happens that after the service of the capias that the suit is compromised or settled; and it also often occurs that after the issuing of the execution, the suit is compromised or settled, and, the execution not being acted on, is not returned to the court, consequently it is impossible to give an accurate account of the number of executions that have issued.

25 May 1837. *Arthur Bushe.*

3.—COURT OF COMMON PLEAS.

THE number of writs issued in this court for the recovery of tithes in which the party has not proceeded to declaration cannot be ascertained, inasmuch as the entry in the writ-book does not specify the nature of the action in any case where the writ is for service on the defendant; but the number of suits or causes instituted in this court, since the 1st January 1831, for the recovery of tithes, and the stages to which such proceedings have arrived and their final result, are as follow:

Causes in which declarations were filed upon which no further proceedings were taken, 16.

Causes in which special pleas have been filed by defendants, and not further proceeded on, 2.

Causes which now stand for argument of demurrer, 4.

Causes at issue upon which no further proceedings were taken, 20.

Causes in which the plaintiffs obtained final judgment, 88; four of these judgments were vacated by orders of court, on consents.

Causes in which plaintiffs issued executions, 79.

Causes in which sheriffs returned executions into court of money levied or goods seized, 5.

Causes in which sheriffs returned executions into court, nulla bona or non est inventus; 17 non est inventus, 5 nulla bona, 1 defendant in custody.

20 May 1837. *D. Plunket*, Prothonotary.

4.—COURT OF EXCHEQUER.

THE following is the return of Joseph Farran, esq., clerk of the pleas of His Majesty's Court of Exchequer in Ireland:

The clerk of the pleas respectfully submits that it is impossible to make the return required by the order, so far as relates to the number of writs issued in proceedings for the recovery of tithes, as there is no means of ascertaining the nature of the action from any entry that is made on the issuing of a writ, nor does the writ itself particularize or in any way show the cause of action.

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The filing of a declaration is the first record of the nature of the suit. A return of the number filed during the period mentioned in the order, so far as can by any possibility be now ascertained, is given below, distinguishing those which remain on the files either unproceeded upon or settled, from those wherein final judgments were had.

Number of declarations filed for tithes, from 1st January 1831 to 22d May 1837, being the first day of Trinity Term 1837, and remaining on the files either unproceeded upon or settled, 280.

Number of declarations filed for tithes, from 1st January 1831 to 22d May 1837, being the first day of Trinity Term 1837, upon which final judgments were had, 313.

TOTAL - - - - 593.

Joseph Farran, Clerk of the Pleas.

Sir, Office, Four Courts, 1 May 1837.

I HAVE to acknowledge the receipt of your letter of the 29th ult., transmitting a copy of an Order of the House of Commons of the 21st, requiring a return of the number of writs or other processes which have issued out of the superior courts of law in Ireland, in proceedings for recovery of tithes, &c.; and I beg, in reply, to inform you that the equity side of the Court of Exchequer, of which I am registrar, is no way connected with a court of law, but that its process and proceedings are exclusively those of a court of equity.

I am, &c.,
Gerald Tench.

Thomas Drummond, Esq. &c. &c.
Dublin Castle.

(B.)

RETURN of the Total Number of Writs or other Processes which have issued out of the Superior Courts of Law in *Ireland*, since 1st January 1831, in Proceedings for the Recovery of Tithes.

1.—Court of Queen's Bench.
2.—Court of Common Pleas.
3.—Court of Exchequer.

1.—COURT OF QUEEN'S BENCH.

Declarations filed - - - - - - -	15
Proceeded to trial - - - - - - -	1
Proceeded to judgment - - - - - -	10
Proceeded to execution - - - - - -	2

It is necessary to observe, that this return may not set out all the processes which have issued out of the Court of Queen's Bench for the recovery of tithe, from the 21st day of April to the 1st day of December 1837, inasmuch as the capias which issued out of this court for the purpose of commencing a suit, does not express the cause of action; and it frequently happens that after the service of the capias the suit is compromised, or in some way settled; it also often happens that, after the issuing of execution, the suit is compromised, therefore the execution not being acted on, is not returned into this court; therefore it is impossible to give an accurate return of the number of cases in which executions have issued.

Arthur Bushe.

2.—COURT OF COMMON PLEAS.

THE number of writs issued in this court for the recovery of tithe in which the party has not proceeded to declaration cannot be ascertained, inasmuch as the entry in the writ-book does not specify the nature of the action in any case where the writ is for service on the defendant; but the number of suits or causes instituted in this court since the 1st January 1831, for the recovery of tithe, in which declarations have been filed, and the stages to which such proceedings have arrived, and their final result, are as follow:—

Causes

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Causes in which declarations were filed upon which no further proceedings were taken, 28.

Causes in which special pleas have been filed by defendants, and not further proceeded on, 2.

Causes which stand for argument of demurrer. In the return made last sessioo there were four causes stated under this head, in which judgments have since heen given for the plaintiffs, and ihey are now included under tha head of final judgments.

Causes at issue npon which no further proceedings were taken, 20.

Causes in which the plaintiffs ohtained final judgment, 101.

Causes in which plaintiffs issued execution, 88.

Causes in which sheriffs returned executions into court of money levied or goods seized, 5.

Causes in which sheriffs returned executions into court, nulla bona or non est inventus; 17 non est inventus, 9 nulla bona, 1 defendant in custody.

17 January 1838. *D. Plunket*, Prothonotary.

3.—COURT OF EXCHEQUER.

The Clerk of the Plaas respectfully refers to returns made by him in the last session of Parliament to a similar order of the House, in which he pointed out the impossibility of making the return required hy the order, so far as related to the number of writs issued in proceedings for the recovery of tithes, inasmuch as there is no means of ascertaining the nature of the action from any entry that is made on the issuing of a writ, nor does the writ itself particularize, or in any way show the cause of action.

The filing of a declaration being the first record of the nature of the suit, a return of the nnmber filed in proceedings for tha recovery of tithes, from the 1st day of January 1831, was made up and returned to the House of Commons in the last sessaion, and is now continued as below; distinguishing those which remain on the files either unproceeded upon or settled, from those wherein final judgments were had.

Number of declarations filed for tithes from 1st January 1831 to 22d May 1837, and remaining on the files either unproceeded upon or settled, as stated in return made to tha House of Commons in last session - - - - - -	280	Number of declarations filed for tithes from 1st January 1831 to 22d May 1837, upon which final judgments were had, as stated in return made to the House of Commons in last session - - -	313
Number of declarations filed for tithes from 22d May 1837 to 1st November 1837, and remaining in like manner on the files - - - - - - -	14	Numher of declarations filed for tithes from 22d May 1837 to 1st November 1837, on which final judgments were had - - -	10
	294		323

Total - - - - - - - - 617.

8 January 1838. *Joseph Farran*, Esq., Clerk of the Pleas.

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